

OFFICE OF THE CONTROLLER GENERAL OF PATENTS, DESIGNS & TRADE MARKS
MUMBAI

PUBLIC NOTICE

No.: CG/Public Notice/2023/86

Dated 16th January, 2023

This Public Notice is issued in supersession of the previous Public Notice dated 26th December, 2022 on this issue. A large number of patent applications with or without pre-grant oppositions as well as post-grant opposition matters against the grant of patents are awaiting final disposal. In order to speed-up the disposal of such long pending matters, it has been decided to streamline the issues relating to hearings and adjournments, keeping in view the larger public interest involved and also the benefits of Patent rights conferred by Chapter VIII of the Patents Act, 1970 (Act).

Rule 129 of the Patents Rules, 2003 (Rules) provides that *'before exercising any discretionary power under the Act or these rules which is likely to affect an applicant for a patent or a party to a proceeding adversely, the Controller shall give such applicant or party, a hearing, after giving him or them, ten days notice of such hearing ordinarily'*. The proviso to rule 129A of the Rules provides that *'no party shall be given more than two adjournments and each adjournment shall not be for more than thirty days'*. As per a combined reading of rule 129 and the proviso to rule 129A, at least ten working days is the inner limit and thirty days is the outer limit vis-à-vis hearings and adjournments.

The stakeholders are hereby informed that in matters where minor procedural issues are involved, this Office will endeavor to offer a shorter time period, while in substantive matters related to analysis of prior arts, claim construction etc., a longer period would be offered in accordance with the Act and Rules.

It is also clarified that (i) in accordance with the principles of natural justice, a fair opportunity to defend would be given to the parties; and (ii) adverse action would not be taken solely on the basis of this Public Notice.

All the stakeholders are therefore, requested to support the Indian Patent Office in this regard for expeditiously disposing such long pending matters.

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Controller General of Patents, Designs & Trade Marks